IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1692 of 2005

Between:

Cherukumudi Ananda Rao, S/o. late Laxmi Narasimha Rao,
R/o. D.No. 223, Saibaba Street, Narasingaraopet, Gudur - 524 102,
Nellore District.

... PETITIONER

AND

1 The Commissioner, Nellore Municipal Corporation,
Nellore, Nellore District.
2 The Town Planning Officer, Nellore Municipal Corporation,
Nellore, Nellore District.
3 The Building Inspector, Nellore Municipal Corporation,
Nellore, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus to declare the acts of the respondents in not considering the petitioner's representation dt. 14-1-2005 as illegal, arbitrary and violative of principles of natural justice and further direct the respondents to demolish the illegal construction made in Western side of the shop room bearing D.No. 118/1, Ward No. 17, Trunk Road, Nellore by the neighbors without any permission of the respondent herein and to pass such other orders as this Hon'ble Court may be pleased to deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.KAMALAKARA RAO

Counsel for the Respondents: MR.S.NAGESWARA REDDY

The Court at the stage of admission made the following:

ORDER:

The petitioner states that he is the owner and possessor of the premises bearing Door No.118/1, Ward No.17, Trunk Road, Nellore, which consists of 472 square feet, in which one shop is situated apart from the vacant site on the western side of the shop. It is alleged that some third parties are illegally making constructions in the adjacent open site, without obtaining any permission from the respondent-Municipal Corporation. However, the first respondent-Commissioner failed to take any action against them. Hence, this writ petition.

Having heard the learned counsel for the petitioner and on perusal of the material on record, without expressing any opinion on merits, the writ petition is disposed of granting liberty to the petitioner to make an appropriate representation before the first respondent-Commissioner furnishing all the details of the alleged unauthorized constructions. If any such representation is made, the first respondent-Commissioner is directed to consider the same after affording due opportunity to all the concerned to rebut the allegations and appropriate orders be passed, in accordance with law.

The writ petitioner is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 04-03-2005

Note: Furnish C.C. in a week

B/o.

LSK

To

1 The Commissioner, Nellore Municipal Corporation,
Nellore, Nellore District.
2 The Planning Officer, Nellore Municipal Corporation,
Nellore, Nellore District.
3 The Building Inspector, Nellore Municipal Corporation,
Nellore, Nellore District.

4 Two C.D. copies.